federal register

TUESDAY, FEBRUARY 26, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 39

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations Guidelines

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 427—ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

On October 30, 1973, notice was published in the FEDERAL REGISTER, (38 FR 22606) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products, and asbestos floor tile subcategories of the asbestos manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the asbestos manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 427. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) fi and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products, and asbestos floor tile subcategories. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction and Paper Segment of the Asbestos Manufacturing Point Source Category" (October 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, the Asbestos Products Manufacturing Industry (September 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows in this document.

(a) *Summary of comments.* The following responded to the request for comments which was made in the preamble to the proposed regulation: Colorado Dept. of Public Health, Michigan Dept. of Natural Resources, Center for Science in the Public Interest, the Mead Corporation, Armstrong Cork Company, Dept. of Health, Education and Welfare, County Sanitation Districts of Los Angeles County, Johns-Manville Corporation, the Flintkote Company, and the Effluent Standards and Water Quality Information Advisory Committee.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and EPA's response to those comments.

(1) A commenter was concerned that the limitations could be interpreted as gross values without consideration of pollutants in incoming waters. This comment applies in general to BOD5 and COD limitations for most of the subcategories.

The limitations on BOD and COD have been reevaluated. The above comment is significant in all subcategories with a BOD or COD limitation. In the asbestos-cement pipe and asbestos-cement sheet subcategories, the small quantities of BOD added by the process do not warrant a limitation. In the paper subcategories, BOD is incidently removed by the best practicable control technology currently available (sedimentation). If the suspended solids are controlled to the extent required by the limitations, BOD concentrations will also be reduced. Therefore, the BOD5 limitation has been eliminated from these subcategories. In the roofing and floor tile subcaterogies, COD must be retained as a significant control parameter. The raw water entering the processes may contain significant amounts of COD. It is the intent of the Agency that the limitations in these subcategories be considered as net values over water entering the process. This is accomplished by the special definition for COD in the roofing and floor tile subcategories.

(2) Comments were received objecting to the use of the BOD5 parameter when COD and/or TOC would be a more accurrate measure of the organic matter in waste waters from this industry.

EPA agrees with this comment, however, BOD5 is being dropped as a control parameter for the reasons cited in the above comment.

(3) One commenter pointed out ambiguous statements in the Development Document and the preamble to the proposed regulation where the asbestos content of suspended solids was discussed. On the one hand, the documents claim asbestos may be a large percentage of the suspended solids, and then state that in general this percentage is small.

It is acknowledged that an erroneous conclusion could have been drawn that all subcategories produce suspended solids in process waste waters with a large percentage of asbestos fibers. This conclusion is true in only five of the identified subcategories. In the roofing and floor tile subcategories, suspended solids contain little, if any, asbestos fibers.

(4) One comment stated that asbestos-cement pipe plants should have a no discharge requirement for 1977, since some multi-product plants making asbestos-cement pipe already have no discharge. Allowing pipe plants to have a discharge will encourage the construction of single product, asbestos-cement pipe plants.

EPA has determined that the technology is not available to allow the setting of a no discharge limitation for 1977 or for new sources in the asbestos-cement pipe subcategory. However, there are many incentives for the construction of multiproduct plants. These incentives include substantial savings from decreased water consumption, raw water and waste water treatment, land use, and monitoring requirements. Such built in incentives will not be ignored by industry.

(5) Another comment argued that the existence of one or two plants in a subcategory with no discharge was sufficient basis to set a no discharge limitation for that subcategory. A specific case mentioned was the asbestos paper (starch binder) subcategory.

The experience at the one plant which is apparently achieving no discharge has not been sufficiently documented or been continuous for a substantial period of time to justify applying the technology to all other plants in this subcategory by 1977 accordingly, it is the opinion of EPA that this technology would not qualify as best practicable control technology currently available as defined by the Act.

(6) A question was raised during the comment period concerning the application of best available technology economically achievable to some of the new source performance standards. The commenter claimed that new plants should use best practicable control technology currently available.

In the case of the asbestos paper, asbestos-cement sheet, and asbestos roofing subcategories, the technology does exist for total recycle as proven by a few plants in each subcategory. As mentioned in the previous comment, these few plants were not sufficient to set a no discharge using

best practicable control technology currently available as defined by the Act. A more stringent limitation for new sources is deemed feasible since they have additional flexibilities to optimize in-process controls and end-of-line pollution control measures.

(7) A question was raised with respect to the logic for different ratios of daily to monthly limitations employed in the various subcategories.

These numbers were based on the data available on raw waste loads and treatment efficiencies, and the fluctuations normally experienced in each subcategory. The manufacturing of asbestos-cement products produced greater fluctuations in raw loads than the other subcategories. The regulations therefore reflect this finding, the ratio of daily maximum to monthly average limitations are higher for the asbestos-cement pipe and asbestos-cement sheet subcategories than the other subcategories with allowable discharges.

(b) *Revisions of the proposed regulations prior to promulgation.* As a result of public comments, continuing review and evaluation of the proposed regulation by EPA, the following changes have been made in the regulation.

(1) Sections 427.21, 427.31, 427.41, 427.51, 427.61, and 427.71 entitled "Specialized Definitions" now include references to general definitions and methods of analysis in 40 CFR 401 which reduces the need for some specialized definitions in this regulation.

(2) The BOD5 limitations in the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder) and asbestos paper (elastomeric binder) subcategories have been eliminated. In the asbestos-cement subcategories, the low levels of BOD5 do not warrant a limitation. The incoming water often contains equal or greater amounts of BOD5 than the limitations. In the paper subcategories, the BOD5 is present as starch which is removed by settling. The efficiency of treatment is more accurately measured by the suspended solids parameter.

(3) The COD limitations in the roofing and floor tile subcategories have been retained. However, these limitations can not be used as gross figures due to the presence of relatively high COD values in incoming waters. The regulations as promulgated for these subcategories define COD as the COD added to the process waste waters.

(4) The preamble to the proposed regulations recommended that solid wastes from all subcategories should be disposed of so as to prevent horizontal or vertical migration of asbestos fibers. As explained above in the comment section, not all subcategories produce a solid waste with a significant amount of asbestos fibers. Therefore, in the preamble to the proposed regulation, the discussion of solid waste control in the "Non-water Quality Aspects" section should not be considered to be applicable to solid waste generated by the waste water treatment processes from the roofing and floor tile subcategories.

(5) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The changes to the regulations mentioned above will not affect the results of the economic analysis prepared for the proposed regulation.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the building, construction and paper segment of the asbestos manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Building, Construction and Paper Segment of the Asbestos Manufacturing Point Source Category" (February 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines the Asbestos Products Manufacturing Industry" (September 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the asbestos manufacturing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Solid waste control.* Solid waste control must be considered. The waterborne wastes from the asbestos industry may contain a considerable volume of asbestos particles as a part of the suspended solids pollutant. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants control technology as they are known removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jursdiction in which the site is located.

(f) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction and Paper Segment of the Asbestos Manufacturing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401, for a nominal fee.

(g) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 427, Asbestos Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 29, 1974.

Dated: February 15, 1974.

JOHN QUARLES,
Acting Administrator.

PART 427—ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Asbestos-Cement Pipe Subcategory

Sec.

427.10 Applicability; description of the asbestos-cement pipe subcategory.
427.11 Specialized definitions.
427.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Sec.
427.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.14 [Reserved]
427.15 Standards of performance for new sources.
427.16 Pretreatment standards for new sources.

Subpart B—Asbestos-Cement Sheet Subcategory

427.20 Applicability; description of the asbestos-cement sheet subcategory.
427.21 Specialized definitions.
427.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
427.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.24 [Reserved]
427.25 Standards of performance for new sources.
427.26 Pretreatment standards for new sources.

Subpart C—Asbestos Paper (Starch Binder) Subcategory

427.30 Applicability: description of the asbestos paper (starch binder) subcategory.
427.31 Specialized definitions.
427.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
427.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.34 [Reserved]
427.35 Standards of performance for new sources.
427.36 Pretreatment standards for new sources.

Subpart D—Asbestos Paper (Elastomeric Binder) Subcategory

427.40 Applicability; description of the asbestos paper (elastomeric binder) subcategory.
427.41 Specialized definitions.
427.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
427.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.44 [Reserved]
427.45 Standards of performance for new sources.
427.46 Pretreatment standards for new sources.

Subpart E—Asbestos Millboard Subcategory

427.50 Applicability; description of the asbestos millboard subcategory.
427.51 Specialized definitions.
427.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
427.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.54 Reserved.
427.55 Standards of performance for new sources.
427.56 Pretreatment standards for new sources.

Subpart F—Asbestos Roofing Subcategory

427.60 Applicability; description of the asbestos roofing products subcategory.
427.61 Specialized definitions.
427.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
427.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.64 [Reserved]
427.65 Standards of performance for new sources.
427.66 Pretreatment standards for new sources.

Subpart G—Asbestos Floor Tile Subcategory

427.70 Applicability; description of the asbestos floor tile subcategory.
427.71 Specialized definitions.
427.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
427.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.74 [Reserved]
427.75 Standards of performance for new sources.
427.76 Pretreatment standards for new sources.

Subpart A—Asbestos-Cement Pipe Subcategory

§ 427.10 Applicability; description of the asbestos-cement pipe subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, Portland cement, silica and other ingredients are used in the manufacturing of asbestos-cement pipe.

§ 427.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbrevations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 427.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.57	0.19
pH	Within the range 6.0 to 9.0.	
	English units (lb/ton of product)	
TSS	1.14	0.38
pH	Within the range 6.0 to 9.0	

§ 427.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutants properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.14 [Reserved]

§ 427.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of

pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.57	0.19
pH	Within the range 6.0 to 9.0.	
	English units (lb/ton of product)	
TSS	1.14	0.38
pH	Within the range 6.0 to 9.0.	

§ 427.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos-cement pipe subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.15; *Provided,* That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Asbestos-Cement Sheet Subcategory

§ 427.20 Applicability; description of the asbestos-cement sheet subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, Portland cement, silica, and other ingredients are used in the manufacturing of asbestos-cement sheets. Discharges resulting from manufacture of asbestos-cement sheet laboratory tops are specifically excluded from the provisions of this subpart.

§ 427.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 427.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the Sate, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily value s for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.68	0.23
pH	Within the range 6.0 to 9.0.	
	English units (lb/ton of product)	
TSS	1.35	0.45
pH	Within the range 6.0 to 9.0.	

§ 427.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.24 [Reserved]

§ 427.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste waters pollutants to navigable waters.

§ 427.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos-cement sheet subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.25; *Provided,* That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Asbestos Paper (Starch Binder) Subcategory

§ 427.30 Applicability; description of the asbestos paper (starch binder) subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, starch binders and other ingredients are used in the manufacture of asbestos paper (starch binder).

§ 427.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 427.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established.

It is, however, possible that data which would affect these limitations have not been available and, as a result, those limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.55	0.35
pH	Within the range 6.0 to 9.0	
	English units (lb/ton of product)	
TSS	1.10	0.70
pH	Within the range 6.0 to 9.0	

§ 427.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.34 [Reserved]

§ 427.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos paper (starch binder) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.35; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Asbestos Paper (Elastomeric Binder) Subcategory

§ 427.40 Applicability; description of the asbestos paper (elastomeric binder) subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, elastromeric binder, and other ingredients are used in the manufacture of asbestos paper (elastomeric binder).

§ 427.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 427.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.55	0.35
pH	Within the range 6.0 to 9.0.	
	English units (lb/ton of product)	
TSS	1.10	0.70
pH	Within the range 6.0 to 9.0	

§ 427.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.44 [Reserved]

§ 427.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.55	0.35
pH	Within the range 6.0 to 9.0	
	English units (lb/ton of product)	
TSS	1.10	0.70
pH	Within the range 6.0 to 9.0	

§ 427.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos paper (elastomeric binder) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.45; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Asbestos Millboard Subcategory

§ 427.50 Applicability; description of the asbestos millboard subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos in combination with various other materials such as cement, starch, clay, lime, and mineral wool are used in the manufacture of asbestos millboard.

§ 427.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 427.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.54 [Reserved]

§ 427.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos millboard subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.55; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart F—Asbestos Roofing Subcategory

§ 427.60 Applicability; description of the asbestos roofing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos paper is saturated with asphalt or coal tar with the subsequent application of various surface treatments to produce asbestos roofing products.

§ 427.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) COD shall mean COD added to the process waste water.

§ 427.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator

(or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
COD	0.015	0.008
TSS	.010	.006
pH	Within the range 6.0 to 9.0.	
	English units (lb/ton of product)	
COD	0.029	0.016
TSS	.020	.012
pH	Within the range 6.0 to 9.0.	

§ 427.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.64 [Reserved]

§ 427.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos millboard subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standand set forth in 40 CFR Part 128, except that, for the purpose of this section 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.65; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart G—Asbestos Floor Tile Subcategory

§ 427.70 Applicability; description of the asbestos floor tile subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, polyvinyl chloride resin, chemical stabilizers, limestone, and other fillers are used in the manufacture of asbestos floor tile.

§ 427.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The abbreviation "mpc" shall mean 1000 pieces of floor tile.

(c) The term "pieces" shall mean floor tile measured in the standard size of 12" x 12" x 3/32".

(d) COD shall mean COD added to the process waste water.

§ 427.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/mpc of product)	
COD	0.14	0.09
TSS	.06	.04
pH	Within the range 6.0 to 9.0.	
	English units (lb/mpc of product)	
COD	0.30	0.18
TSS	.13	.08
pH	Within the range 6.0 to 9.0.	

§ 427.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.74 [Reserved]

§ 427.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos floor tile subcategory,

which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.75: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-4383 Filed 2-25-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 427]

ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304, and 307(b) of the Federal Water Pollution Control Act, as amended (the Act), 33 U.S.C. 1251, 1311, 1314, and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92–500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal would amend 40 CFR Part 427—asbestos manufacturing point source category by establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products and asbestos floor tile subcategories of the asbestos manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters.

The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR 427) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

> In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307 (c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; *And provided further*, That when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 427.15, 427.25, 427.35, 427.45, 427.55, 427.65, and 427.75 of the proposed regulation for point sources within the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products and asbestos floor tile subcategories (October 30, 1973; 38 FR 29944), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contain §§ 427.16, 427.26, 427.36, 427.46, 427.56, 427.66, and 427.76 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction, and Paper Segment of the Asbestos Manufacturing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, The Asbestos Products Manufacturing Industry" (September 1973), was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973 (38 FR 15653), the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of asbestos products, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available

to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of asbestos products. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the asbestos manufacturing category (38 FR 29944; October 30, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 427) which is being published simultaneously in the Rules and Regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products and asbestos floor tile subcategories, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

The pollutants from this industry are deemed to be compatible with publicly owned treatment works. They do not interfere with nor pass through such works untreated. The main pollutant parameter from this industry is suspended solids, and municipal treatment systems are equipped to remove this pollutant parameter. The following regulations, therefore, declare that the guidelines do not apply to existing sources discharging to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative better satisfies the detailed requirements of sections 301, 304, and 307 (b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 427 be amended to add §§ 427.14, 427.24, 427.34, 427.44, 427.54, 427.64, and 427.74. All comments received on or before March 28, 1974, will be considered.

Dated: February 15, 1974.

JOHN QUARLES,
Acting Administrator.

PART 427—ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

40 CFR Part 427 is proposed to be amended as follows:

§ 427.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.12 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

* * * * *

§ 427.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.22 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 427.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.32 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 427.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.42 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 427.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.52 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 427.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.62 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 427.74 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.72 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc.74-4384 Filed 2-25-74;8:45 am]

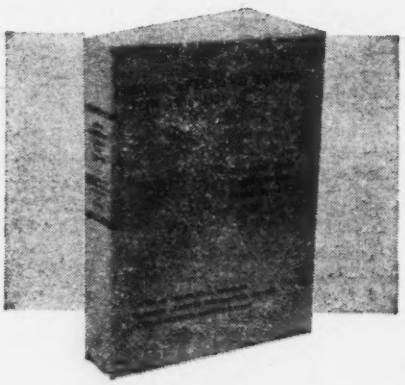
now available
15-year Cumulation

LAWS AFFECTED TABLES FOR 1956–1970

VOLUMES 70–84
UNITED STATES STATUTES AT LARGE

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1970. Includes index of popular name acts affected in Volumes 70–84.

Price: $8.15 domestic postpaid;
$7.50 GPO Bookstore

Compiled by Office of the Federal Register,
National Archives and Records Service,
General Services Administration

Order from Superintendent of Documents,
U.S. Government Printing Office
Washington, D.C. 20402